

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.10 A, Closed Area No. 1, Piscataqua River, Kittery, Eliot, South Berwick, promulgated on July 11, 2003, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.10 A, Closed Area No. 1, Piscataqua River, Kittery, Eliot, South Berwick.

- 1) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of that portion of the Piscataqua River, its tributaries and the shores, flats and waters of Kittery, Eliot and South Berwick lying northwest of a line across the Piscataqua River at the Memorial Bridge; AND south of a line across the mouth of Spinney Creek at the Rt. 103 causeway.
- 2) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of that portion of the Spinney Creek north of a line across the mouth of Spinney Creek at the Rt. 103 causeway. This area is classified restricted and requires a special MDMR permit.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 3, 2004

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10 A, Closed Area No. 1, dated July 11, 2003, Piscataqua River, Kittery, Eliot, South Berwick, and replaces it with a new regulation. The new regulation closes the Rogers Point conditional area due to non-point pollution and describes the restricted area in Spinney creek.

Department personnel have determined that water quality no longer meets approved standards and poses a threat to public health.


LEWIS FLAGG
DEPUTY COMMISSIONER (EXTERNAL AFFAIRS)



Department of Marine Resources

Legal Notice of Shellfish Closure Area

C1 - Piscataqua River

2/3/04

